

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NANCY KINDER,)	Case No.: 5:09-cv-12690-JCO-DAS
<i>Individually and on behalf of others</i>)	Judge O'Meara
<i>similarly situated</i>)	Magistrate Judge Scheer
Plaintiff,)	
)	
v.)	
)	
SUNRISE FEDERAL CREDIT UNION,)	
Defendant.)	

JOINT STATUS REPORT OF THE PARTIES

On July 8, 2009, Plaintiff Nancy Kinder filed a complaint against Defendant alleging violations of the federal Electronic Funds Transfer Act (EFTA), 15 U.S.C. § 1693, *et seq.*, which makes it unlawful for ATM operators to charge transaction fees unless fee notices are posted on their ATM machines.

Summary Of The Cases

Plaintiff filed a complaint against the Defendant credit union alleging that the credit union assessed an ATM transaction fee against him for a transaction from an ATM that did not have the proper fee notice as required by the federal Electronic Funds Transfer Act, 15 U.S.C. § 1693, *et seq.* (the "EFTA"). The Defendant has denied liability and has asserted a number of affirmative defenses.

Subject Matter Jurisdiction

This Court's subject matter jurisdiction arises under the federal Electronic Funds Transfer Act, 15 U.S.C. § 1693b, *et seq.* The EFTA provides for enforcement through private rights of action, including class actions.

Relationship, If Any, To Other Cases

Plaintiff has filed similar cases against other ATM operators. Sixteen cases initiated by Plaintiff against different ATM operators are now pending before this Court.

Current Status of the Cases

The parties have exchanged informal discovery and are hopeful that they will be able to resolve all of these matters within the next few weeks. The parties believe that the best way of proceeding would be to continue discussions with a view toward settlement, and propose that no later than April 9, 2010, in each case the parties make whatever filings are necessary to effectuate settlement or file a proposed scheduling order to govern the remainder of the proceedings in the case.

Dated: March 19, 2010

Respectfully submitted,

s/ Richard H. Ebbott

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Certificate of Service

I hereby certify that on March 19, 2010, I electronically filed the foregoing Joint Status Report of the Parties with the Clerk of the Court using ECF system which will send notification of such filing to the following:

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